



Re: Fw: PCB waste in Port Heiden Alaska 📎

Michelle Mullin to: Dave Bartus

Cc: Tristen Gardner

11/02/2012 10:07 AM

My question was around the fact that the implication from your earlier email was that all Former Military sites were to be managed under CERCLA. However, I know from practical experience that this is not true. The site I worked on was contaminated during military use with hazardous waste and PCBs, but CERCLA was not the governing authority and did not come into play at all. Rather all cleanup was managed under RCRA CA and TSCA.

So, there would appear to be some process for formally defining a former military site as an actual FUDS, which would then subject it to CERCLA. (as in: in practice a site can be former used defense site, but it takes formally listing as FUDS to invoke CERCLA). I was curious if Port Heiden was formally defined as FUDS or not. But I found it in the FUDS inventory, so it appears that it is. I just wanted to be sure we weren't writing off the site from our responsibilities due to it formerly being a military site, if it wasn't formally designated as a FUDS. If that makes sense.

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Dave Bartus

I'm not sure I follow. It is entirely possible for RC...

11/02/2012 09:24:57 AM

From: Dave Bartus/R10/USEPA/US
To: Michelle Mullin/R10/USEPA/US@EPA,
Cc: Tristen Gardner/R10/USEPA/US@EPA
Date: 11/02/2012 09:24 AM
Subject: Re: Fw: PCB waste in Port Heiden Alaska

I'm not sure I follow. It is entirely possible for RCRA to apply to a FUDS site, particularly after whatever treatment, storage or disposal that established corrective action jurisdiction at the facility occurred following transfer of the facility from the military.

In this instance, the PCB contamination clearly occurred during military use of the facility, and prior to transfer of the facility. So, the facility is properly classified as a FUDS site, the military properly retains responsibility for managing and completing the cleanup, and the governing authority for cleanup is CERCLA. Once that is established, the arguments about ARARs in my previous email properly apply.

Hope this helps.

Dave

Michelle Mullin

I think there might be more subtlety than that. I...

11/02/2012 09:15:55 AM

From: Michelle Mullin/R10/USEPA/US
To: Dave Bartus/R10/USEPA/US@EPA,
Cc: Tristen Gardner/R10/USEPA/US@EPA
Date: 11/02/2012 09:15 AM
Subject: Re: Fw: PCB waste in Port Heiden Alaska

I think there might be more subtlety than that. I managed a RCRA CA site at a former military facility. It

was not under CERCLA. Is Port Heiden formally defined as a FUD?

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Dave Bartus [Yup: For example, see http://www.usace.army....](#) 11/01/2012 06:11:33 PM

From: Dave Bartus/R10/USEPA/US
To: Michelle Mullin/R10/USEPA/US@EPA,
Cc: Tristen Gardner/R10/USEPA/US@EPA
Date: 11/01/2012 06:11 PM
Subject: Re: Fw: PCB waste in Port Heiden Alaska

Yup: For example, see
<http://www.usace.army.mil/missions/environmental/formerlyuseddefensesites.aspx>

Dave

Michelle Mullin [Former military automatically = CERCLA? Mich...](#) 11/01/2012 05:56:39 PM

From: Michelle Mullin/R10/USEPA/US
To: Dave Bartus/R10/USEPA/US@EPA,
Cc: Tristen Gardner/R10/USEPA/US@EPA
Date: 11/01/2012 05:56 PM
Subject: Re: Fw: PCB waste in Port Heiden Alaska

Former military automatically = CERCLA?

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Dave Bartus [Clay and I talked and we're good. His question w...](#) 11/01/2012 05:43:34 PM

From: Dave Bartus/R10/USEPA/US
To: Tristen Gardner/R10/USEPA/US@EPA,
Cc: Michelle Mullin/R10/USEPA/US@EPA
Date: 11/01/2012 05:43 PM
Subject: Re: Fw: PCB waste in Port Heiden Alaska

Clay and I talked and we're good.

His question was a fairly large number of supersacks generated from "fixing" inadvertent placement of >50 ppm soils in a <50 ppm stockpile (I don't recall the exact number of supersacks, but they went overboard as only a federal project can....). Its too late in the season to get these soils barged out to the lower 48, so they will exceed the 180 on-site storage limit for bulk PCB remediation waste. They wanted to know about approval of an extension.

I responded by noting that this work ultimately is authorized under CERCLA, since Port Heiden is a former military site. Thus, PCB requirements are identified and complied with through the ARAR process. Thus, questions about compliance with ARARs should be directed to the 611th CES (Air Force) for resolution - EPA will not be the decision-maker, although we are happy to be of assistance both to the AF and contractor folks. In this instance, I'm guessing the work is under CERCLA removal action authority, so it is necessary to comply with ARARs only to the extent practicable - given seasonal issues and the fairly remote location, I'm guessing that a case can be made that it is not practicable to comply with the 180-day limit. CERCLA has other tools if this speculation of mine doesn't apply.

All in all, it was a good call that Clay appreciated.

Dave

Tristen Gardner	Tri...	11/01/2012 04:04:01 PM
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From: Tristen Gardner/R10/USEPA/US
To: Dave Bartus/R10/USEPA/US@EPA,
Date: 11/01/2012 04:04 PM
Subject: Fw: PCB waste in Port Heiden Alaska

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Tristen S. Gardner  
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PCB Website:  
<http://yosemite.epa.gov/r10/owcm.nsf/pcb/pcb>  
----- Forwarded by Tristen Gardner/R10/USEPA/US on 11/01/2012 04:03 PM -----

From: "Peck, Clay" <Clay.Peck@jacobs.com>  
To: Tristen Gardner/R10/USEPA/US@EPA  
Date: 11/01/2012 01:35 PM  
Subject: PCB waste in Port Heiden Alaska

Mr. Gardner

I would like to speak with you concerning some PCB waste in Port Heiden, AK, that we are managing for the USAF. I attempted to call your office and left you a voice mail, This email is a follow up to that message.

My number here in Anchorage is 907-751-3334 or my cell is 907-351-8089

I thank you for your time.

Regards.

Clay Peck | Jacobs | Environmental Scientist | 907.751.3334 | 907.563.3320 fax | clay.peck@jacobs.com

| [www.jacobs.com](http://www.jacobs.com)



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